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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,643	05/02/2001	Yuzo Kano	19036/37333	6598

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EXAMINER

EDMONDSON, LYNNE RENEE

ART UNIT

PAPER NUMBER

1725

6

DATE MAILED: 05/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/847,643	KANO ET AL.
	Examiner Lynne Edmondson	Art Unit 1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 02 May 2001.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

1. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas et al. (USPN 54063170).

Thomas teaches a spot joining method comprising the steps of rotating a joining tool having a pin around an axis with the pin pressed against the lapped works (col 6 lines 43-54) and inserted into the predetermined joint spot, stirring and fusing the lapped works and thereafter pulling out the tool. The members have flat faces against which the tool presses exerting a force against the lapped works (figures 1, 10A and 12A and col 7 lines 21-65).

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Colligan (USPN 5718366).

Colligan teaches a spot joining method comprising the steps of rotating a joining tool having a pin around an axis with the pin pressed against the lapped works (col 8 lines 38-46) and inserted into the predetermined joint spot, stirring and fusing the lapped works and thereafter pulling out the tool (col 1 lines 11-29). The members have flat faces against which the tool presses exerting a force against the lapped works (col 1 lines 45-62 and col 4 lines 8-20). The joining device comprises multiple motors for rotating the tool and moving the tool along the axis (col 6 lines 24-41).

3. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Thomas et al. (USPN 54063170).

Thomas teaches a spot joining method comprising the steps of rotating a joining tool having a pin around an axis with the pin pressed against the works and inserted into the predetermined joint spot, stirring and fusing the works and thereafter pulling out the tool. The members have flat faces against which the tool presses exerting a force against the lapped works (figures 3-6 and col 3 lines 5-17). The device comprises multiple motors for rotating the tool around an axis and for moving the tool along that axis (figure 7 and col 3 line 49 – col 4 line 20).

4. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Kinton et al. (USPN 6050475).

Kinton teaches a spot joining method comprising the steps of rotating a joining tool having a pin around an axis with the pin pressed against the lapped works (col 8

lines 38-46) and inserted into the predetermined joint spot, stirring and fusing the lapped works and thereafter pulling out the tool (col 1 lines 11-29). The members have flat faces against which the tool presses exerting a force against the lapped works (col 1 lines 45-62 and col 4 lines 8-20). The joining device comprises multiple motors for rotating the tool and moving the tool along the axis (col 6 lines 24-41).

5. Claims 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson (USPN 6302315 B1).

Thompson teaches a spot joining method comprising the steps of rotating a joining tool having a pin around an axis with the pin pressed against positioned works and inserted into the predetermined joint spot, stirring and fusing the works and thereafter pulling out the tool (col 2 lines 23-40). The joining device comprises an induction motor (col 4 lines 46-52) and a servo motor (col 5 line 42 – col 6 line 3 and col 4 lines 53-67) which are used to rotate the tool and move it along an axis. See also figure 1 and Thompson claims 1, 2 and 13.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Midling et al. (USPN 5813592, lap and pressure), Rosen et al. (USPN 6045027, lap and pressure), Heideman et al. (USPN 6053391), White et al. (USPN 6247633 B1), Martin et al. (USPN 6045028, lap and pressure), Ding et al.

(USPN 5893507, lap and pressure), Wykes (USPN 5697544, device with multiple motors), Boon et al. (USPN 63253273 B1, device with multiple motors) and Hedman et al. (WO 99/54081, device with multiple motors).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Edmondson whose telephone number is (703) 306-5699. The examiner can normally be reached on M-F from 7-4 with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (703) 308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7118 for regular communications and (703) 305-7115 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

Lynne Edmondson  
Examiner  
Art Unit 1725

LRE  
May 15, 2002



M. ALEXANDRA ELVE  
PRIMARY EXAMINER